

AMENDED IN SENATE JUNE 15, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2739

Introduced by Assembly Member Blakeslee

February 19, 2010

An act to amend Section 8670.50 of, and to add Section 8670.15 to, the Government Code, relating to oil spills, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2739, as amended, Blakeslee. Oil spill prevention and response.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response, including emergency drills and preparedness, and oil spill containment and cleanup, and to represent the state in any coordinated response efforts with the federal government. *The act imposes a uniform oil spill response fee on specified owners of petroleum products, operators of a pipeline, operators of a refinery, and marine terminal operators, and that fee is deposited into the Oil Spill Response Trust Fund. The money in the fund is continuously appropriated for specified purposes.*

This bill would require the administrator, in consultation with the appropriate federal agencies, including, but not limited to, the United

~~States Coast Guard and the National Oceanic and Atmospheric Administration, to prepare a sunken vessel imminent threat assessment and strategic response plan that identifies any sunken vessel off the California coast that meets certain criteria and outlines a strategic plan regarding the threat of a release of oil from the vessel. The bill requires the administrator to report his or her findings to the Legislature by June 1, 2011.~~ *National Oceanic and Atmospheric Administration and the United States Coast Guard, to conduct an assessment of the S.S. Montebello wreck, as defined, to determine the likelihood of an oil release from the vessel. The bill would require the administrator to request the appropriate federal agency to reimburse the state for the assessment costs, upon determining that an imminent threat of an oil release exists. If the administrator determines that a threat of an oil release exists, but the threat is not imminent, the bill would require the administrator to identify the recommended course of action to monitor the vessel. The bill would additionally require the money from the fund to be expended to carry out this assessment, thereby making an appropriation.*

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8670.15 is added to the Government Code,
2 to read:
3 8670.15. (a) (1) *In consultation with the National Oceanic*
4 *and Atmospheric Administration and the United States Coast*
5 *Guard, the administrator shall conduct an assessment of the S.S.*
6 *Montebello wreck to determine the likelihood of an oil release*
7 *from the vessel, including whether there is an imminent threat of*
8 *an oil release.*
9 (2) *For purposes of this section, "S.S. Montebello wreck" means*
10 *the oil tanker that was sunk off the coast of California on December*
11 *23, 1941, by a Japanese submarine during World War II, located*
12 *900 feet below the water's surface approximately six miles off the*
13 *coast of Cambria, California, at 35°35'N, 121°16'W.*
14 (b) *If the administrator determines pursuant to subdivision (a)*
15 *that an imminent threat of an oil release exists, the administrator*
16 *shall request the appropriate federal agency to reimburse the state*
17 *for the costs of the assessment made pursuant to this section.*

1 (c) *If the administrator determines pursuant to subdivision (a)*
2 *that the threat of an oil release exists, but the threat is not*
3 *imminent, the administrator shall identify the recommended course*
4 *of action to monitor the vessel, noting preferred and alternative*
5 *methods of monitoring and the corresponding cost estimates for*
6 *those methods.*

7 SEC. 2. *Section 8670.50 of the Government Code is amended*
8 *to read:*

9 8670.50. (a) Money from the fund may only be expended to
10 cover the costs incurred by the state and local governments and
11 agencies for any of the following:

12 (1) Responding promptly to, containing, and cleaning up the
13 discharge, if those efforts are any of the following:

14 (A) Undertaken pursuant to the state and local oil spill
15 contingency plans established under this chapter, and the marine
16 response element of the California oil spill contingency plan
17 established under Article 3.5 (commencing with Section 8574.1)
18 of Chapter 7.

19 (B) Undertaken consistent with the standardized emergency
20 management system established pursuant to Section 8607.

21 (C) Undertaken at the direction of the administrator.

22 (2) Meeting the requirements of Section 8670.61.5, relating to
23 wildlife rehabilitation.

24 (3) Making the payments authorized by subdivision (k) of
25 Section 8670.48.

26 (4) *Conducting the assessment required by Section 8670.15 in*
27 *an amount not to exceed four hundred thousand dollars (\$400,000).*
28 *To the extent possible, the administrator shall seek to partner with*
29 *the National Oceanic and Atmospheric Administration and the*
30 *United States Coast Guard on funding the assessment required by*
31 *Section 8670.15.*

32 (b) In the event of an oil spill, the administrator shall make
33 whatever expenditures are necessary and appropriate from the fund
34 to cover the costs described in subdivision (a), subject to the lien
35 established pursuant to Section 8670.53.2.

36 ~~SECTION 1. Section 8670.15 is added to the Government~~
37 ~~Code, to read:~~

38 ~~8670.15. (a) In consultation with the appropriate federal~~
39 ~~agencies, including, but not limited to, the United States Coast~~
40 ~~Guard and the National Oceanic and Atmospheric Administration,~~

1 the administrator shall prepare a sunken vessel imminent threat
2 assessment and strategic response plan that does both of the
3 following:

4 (1) Identifies any sunken vessel off the coast of California that
5 meets all of the following criteria:

6 (A) The vessel is within eight miles of the California coast.

7 (B) The vessel is within 20 miles of a national marine sanctuary.

8 (C) There is no party responsible for the vessel.

9 (D) At the time the vessel sank, it contained more than one
10 million gallons of oil.

11 (E) A release of oil from the vessel is likely to pose a threat to
12 California waters and shorelines, archaeological sites, wildlife,
13 and the habitat on which the wildlife depends.

14 (F) The vessel has not yet been classified as posing an imminent
15 threat.

16 (2) Outlines a strategic plan to do the following:

17 (A) Identify studies that should be performed to determine
18 whether there exists an imminent threat of a release of oil from
19 the vessel, noting preferred and alternative methods of study with
20 corresponding cost estimates.

21 (B) In the event that it is determined that an imminent threat
22 exists, notify the California Emergency Management Agency
23 pursuant to Section 8670.25.5 if the vessel is located in state waters
24 or notify the appropriate federal agency if the vessel is located in
25 federal waters.

26 (C) In the event that it is determined that a threat exists, but the
27 threat is not imminent, identify the recommended course of action
28 to monitor the vessel, noting preferred and alternative methods of
29 monitoring with corresponding cost estimates.

30 (b) By June 1, 2011, the administrator shall report his or her
31 findings to the Legislature.

32 (c) (1) The requirement for submitting a report imposed under
33 subdivision (b) is inoperative on June 1, 2015, pursuant to Section
34 10231.5.

35 (2) A report to be submitted pursuant to subdivision (b) shall
36 be submitted in compliance with Section 9795.